

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TETRIS HOLDING, LLC and
THE TETRIS COMPANY, LLC

Plaintiffs,

V.

XIO INTERACTIVE, INC.

Defendant.

Civil Action No. 09-6115 (FLW)

ORDER

This matter having been opened to the Court by Plaintiffs’ and Defendant’s cross-motions for summary judgment on Counts One and Two of Plaintiffs’ complaint; and Plaintiffs have voluntarily withdrawn Count Five of its complaint; the Court having considered the Motions pursuant to Federal Rule of Civil Procedure 78; for the reasons stated in the Opinion filed on this date; and for good cause shown;

IT IS on this 30th day of May, 2012,

ORDERED that Plaintiffs' motion for summary judgment is **GRANTED**; specifically it is ordered that judgment is ordered on Count One and Count Two in favor of Plaintiffs;

ORDERED that Defendant's motion for summary judgment is **DENIED**;

ORDERED that Count Five of Plaintiffs' Complaint is **DISMISSED**;

ORDERED that the Parties are to hold a conference call with Judge Arpert regarding the status of the remaining counts on June 5, 2012, at 2:00 PM EDT.

Dated: May 30, 2012

/s/ Freda L. Wolfson
 Honorable Freda L. Wolfson
 United States District Judge